

## ENROLLED BILL SIGNED

At 7:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas; to the Committee on Foreign Relations.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; to the Committee on Finance.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 2006, she had presented to the President of the United States the following enrolled bill:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-347. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the authorization and appropriation of funds to allow all members of the armed forces reserve component to access the TRICARE program; to the Committee on Armed Services.

## SENATE CONCURRENT RESOLUTION NO. 147

Whereas, Army National Guard members are fulfilling commitments in Iraq, Afghanistan, Bosnia, and the Sinai, with members of the Hawaii Army National Guard having recently served in Iraq and Afghanistan; and

Whereas, presently almost half of all service personnel deployed in Iraq are members of the reserve components of the United States armed forces, including members of the National Guard and Army, Navy, Air Force, and Marine Corps Reserves; and

Whereas, under present law, for every ninety day period on active duty, a member of the reserve component receives one year of cost-share TRICARE health benefits if the member agrees to serve that year with a reserve component; and

Whereas, while well-intentioned, this measure does not go far enough to solve the problem of medical readiness that exists in the reserve component and can affect the mobilization and deployment of intact reserve component units; now, therefore, be it

*Resolved* by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, that the Congress of the United States is urged to authorize and appropriate funds to allow all members of the reserve component to access TRICARE health benefit coverage on a cost-share basis, without restrictions; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, members of Hawaii's congressional delegation, the Governor, and the Adjutant General.

POM-348. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card; to the Committee on Banking, Housing, and Urban Affairs.

## HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, businesses across the Nation engage in the unfair trade practice of overcharging a debit cardholder's account for more than the sales price of goods or services without the cardholder's knowledge and consent; and

Whereas, this practice causes financial harm to debit cardholders by the assessment of overdraft fees and inability to access funds depleted by the overcharged amount; and

Whereas, legislation requiring a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission should be enacted: Now, therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to require a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-349. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and urging and requesting the Louisiana congressional delegation to support such efforts; to the Committee on Banking, Housing, and Urban Affairs.

## HOUSE CONCURRENT RESOLUTION NO. 170

Whereas, the Federal Emergency Management Agency has requested a combined payment of almost one hundred fifty-six million dollars for the state's twenty-five percent share of the six hundred twenty-three mil-

lion dollars spent through November 30, 2005, for Other Needs Assistance to one hundred eighty-one thousand Louisiana citizens affected by Hurricanes Katrina and Rita; and

Whereas, 44 CFR 206.16 requires the FEMA associate director or regional director to conduct audits and investigations as necessary to assure compliance with the Stafford Act and, for purposes of such audits and investigations, authorizes FEMA or state auditors, the governor's authorized representative, the regional director, the associate director, and the comptroller general of the United States, or their duly authorized representatives to inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under the Stafford Act; and

Whereas, Attorney General Charles Foti and Legislative Auditor Steve Theriot sent letters dated February 7, 2006, and February 17, 2006, requesting pursuant to 44 CFR 216.16, 206.62(b), and 206.64, source documentation which will allow the legislative auditor to give assurance to the leaders of the state of Louisiana that these monies are, in fact, owing, and due: Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby urge and request the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and to urge and request the Louisiana congressional delegation to support such efforts; be it further

*Resolved*, That the Legislature of Louisiana does hereby urge and request the members of the Louisiana congressional delegation to support the efforts of the attorney general and the legislative auditor to permit the state to have an accurate accounting of money the Federal Emergency Management Agency claims the state owes; be, it further

*Resolved*, That copies of this Resolution be transmitted to the attorney general, the legislative auditor, each member of the Louisiana congressional delegation, and the acting director of the Federal Emergency Management Agency.

POM-350. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to rejecting attempts to lower the mortgage index deduction in the Internal Revenue Code; to the Committee on Banking, Housing, and Urban Affairs.

## SENATE CONCURRENT MEMORIAL NO. 1003

Whereas, it has been the federal tax policy since the inception of the Internal Revenue Code to encourage home ownership; and

Whereas, the real estate industry generates 15 to 18 per cent of the gross domestic product, and the housing market has been the most vibrant sector of our state and national economies in the past five years, fueling much of the 2001-2002 economic recovery; and

Whereas, home ownership in Arizona and the United States is at record levels with more than 70 percent of families owning their own homes; and

Whereas, homes are the foundations of our culture, the basis for our community life and the bedrock value of the American dream; and

Whereas, with a low national savings rate and the impending retirement of the baby boom generation, home ownership and its resulting equity growth is in itself a method of savings and capital formation and should be encouraged; and

Whereas, the capital invested in housing and the equity it generates should be preserved for families and is generally the prime savings choice for lower and middle income Americans; and

Whereas, real estate and home ownership is almost always acquired with debt of some sort; and

Whereas, the current \$1 million cap on mortgage indebtedness as a measure of allowable mortgage interest deductions was adopted nearly 20 years ago in 1987 and has not been indexed for inflation; and

Whereas, the Tax Reform Act of 1986 provided ample evidence that when the tax benefits associated with real estate ownership are curtailed, the value of real estate declines; and

Whereas, the President's Advisory Panel on Tax Reform has suggested lowering the cap on mortgage interest deductions; and

Whereas, any change in lowering the mortgage cap would cause a government-created collapse of housing prices, wiping out equity and wealth for millions of working families across this nation; and

Whereas, any change in lowering the mortgage cap would create a further barrier to home ownership for young families by diminishing the savings families could have in their homes and would lead to a decline in the homeownership rate.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress reject any attempt to lower the mortgage index deduction in the Internal Revenue Code.

2. That the United States Congress enact legislation raising the current mortgage cap and index it for inflation.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-351. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; to the Committee on Banking, Housing, and Urban Affairs.

#### SENATE CONCURRENT RESOLUTION NO. 74

Whereas, the parish of Vermilion was severely impacted by the devastation and destruction inflicted by Hurricane Rita; and

Whereas, the availability of safe and secure housing remains the greatest need for residents impacted by the hurricane; and

Whereas, in many areas of Vermilion Parish, nearly 100 percent of the available public housing units were either destroyed or rendered unlivable; and

Whereas, in addition to those areas which were directly impacted by the devastation caused by Hurricane Rita, numerous other communities in Vermilion Parish have been indirectly impacted as Louisiana residents have relocated and are in search of safe, secure, and affordable housing; and

Whereas, the shortage of such public housing is an immediate need that must be addressed prior to the start of the 2006 hurricane season; and

Whereas, in order to meet these housing needs, additional federal funds must be appropriated in order to construct and repair public housing units located in Vermilion Parish; and

Whereas, public housing authorities located in Vermilion Parish are poised to purchase additional property in order to locate and construct essential housing for the citizens of Louisiana; and

Whereas, the Congress of the United States must immediately address the significant public housing shortage being experienced by the parish of Vermilion: Therefore be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to provide funding for local housing authorities located in Vermilion Parish

which were impacted by Hurricane Rita; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-352. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to reconsidering the decision to exclude Plaquemines Parish from the federal plan to invest \$2.5 billion for levee re-enhancement in south Louisiana; to the Committee on Banking, Housing, and Urban Affairs.

#### SENATE CONCURRENT RESOLUTION NO. 83

Whereas, as the southernmost land area of Louisiana, Plaquemines Parish creates a corridor surrounding the Mississippi River as it flows to the Gulf of Mexico and the peninsula of saltwater marshes and estuaries forms the rich delta of the river; and

Whereas, Plaquemines Parish is the operational center for the offshore oil and gas industry, its port and harbor terminal district is sought after as the coal exporting capital of Louisiana, and the area provides a substantial portion of the state's shrimping industry, the nation's largest, and its commercial fishing is second only to Alaska; and

Whereas, the parish's location and geographical structure are vital to Louisiana and the nation as a buffer for tropical storms and hurricanes as without Plaquemines Parish, Hurricane Katrina would have advanced directly into New Orleans with no protection; and

Whereas, Hurricane Katrina washed away 57 square miles of the Plaquemines coastline, destroyed barrier islands that once protected the region from storms, and severely damaged levees on both east and west banks of the parish; and

Whereas, while Katrina-damaged levees will be "repaired," President Bush has announced he will not seek the \$1.6 billion needed to "upgrade" levees in the southern half of Plaquemines Parish and it has been proposed to exclude Plaquemines Parish from the \$2.5 billion levee re-enhancement in south Louisiana pending further study on cost effectiveness; and

Whereas, the Legislature of Louisiana opposes this exclusion and urges the reconsideration of all of Plaquemines Parish as a top priority in the proposed levee upgrades for south Louisiana: therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest \$2.5 billion for levee re-enhancement in south Louisiana; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-353. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION NO. 205

Whereas, Louisiana's seaward boundary in the Gulf of Mexico has been judicially determined to be three geographical miles, and the United States has jurisdiction outside of three geographical miles; and

Whereas, Congress has the power to amend the Submerged Lands Act of 1953 to provide

that Louisiana's seaward boundary extends twelve geographical miles into the Gulf of Mexico; and

Whereas, Louisiana acts as a significant energy corridor vital to the entire United States and provides intersections of oil and natural gas intrastate and interstate pipeline networks, which serve as references for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, Louisiana provides storage for the nation's Strategic Petroleum Reserve and is the home of the nation's major import terminal for foreign oil, known as the Louisiana Offshore Oil Port; and

Whereas, Louisiana and its coastal wetlands provide access to nearly thirty-four percent of the United States natural gas supply and nearly twenty-nine percent of the United States oil supply; and

Whereas, the United States' economic growth depends on access to stable supplies of oil and natural gas; and

Whereas, Louisiana ranks first in crude oil production, including the outer continental shelf production, and ranks second in natural gas production, including the outer continental shelf production; and

Whereas, in 2001, the state of Louisiana received only one-half of one percent of the federal oil and gas revenues from its coast; and

Whereas, Hurricanes Katrina and Rita have shown that the loss of vital oil and gas infrastructure in Louisiana and the Gulf of Mexico has an immediate and direct impact upon the economy and well-being of the entire country and its citizens; and

Whereas, the hurricanes shut-in approximately fifty-three percent of the daily oil production in the Gulf of Mexico and shut-in approximately forty-seven percent of the daily gas production in the Gulf of Mexico; and

Whereas, for the time period of August 26, 2005, through November 3, 2005, the cumulative shut-in of oil production was approximately fourteen percent of the yearly oil production in the Gulf of Mexico, and the cumulative shut-in of gas production was approximately eleven percent of the yearly gas production in the Gulf of Mexico; and

Whereas, due to Hurricanes Katrina and Rita, Louisiana has suffered loss of life and tremendous devastation to its economy, its citizens, infrastructure, and coastal landscape; and

Whereas, the state has provided ten million dollars from our Rapid Response Fund for short-term, interest-free loans to struggling businesses and granted the full Interim Emergency Fund in the amount of sixteen million dollars to local governments in order for the governments' vital services to operate; and

Whereas, Louisiana has paid out approximately three hundred million dollars in unemployment benefits to hurricane-affected employees; and

Whereas, Louisiana has established a Rainy Day Fund that is worth approximately four hundred sixty million dollars, and the state is in the process of using at least one-third of this fund to balance the state budget; and

Whereas, in this regular session the Louisiana Legislature along with the governor are considering other options for balancing the budget, increasing revenues, and funding the massive cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, Hurricanes Katrina and Rita turned approximately one hundred square miles of southeast Louisiana coastal wetlands into open water and destroyed more wetlands east of the Mississippi River in one

month than experts estimated would be lost in over forty-five years; and

Whereas, monies are desperately needed to fund the state's cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, the state of Louisiana and its citizens are in a financial crisis; and

Whereas, in order to rebuild the state of Louisiana and protect its citizens, the state needs a significant, consistent, and ongoing stream of revenue; and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for twelve geographical miles will provide such stream of revenue; therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-354. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Kansas relative to urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Energy and Natural Resources.

SUBSTITUTE FOR HOUSE CONCURRENT  
RESOLUTION NO. 5030

Whereas, policies of the federal government have placed much of the coastal Outer Continental Shelf off limits to oil and natural gas production; and Whereas, development of oil and natural gas resources, where allowed off our shores, has coexisted for decades with recreational and commercial activities while benefiting the entire nation; and

Whereas, Offshore oil and natural gas operations have a long history of environmentally sensitive and safe performance; and

Whereas, offshore development of oil and natural gas has provided needed supplies of American energy, generated substantial local, state and federal revenues and created thousands of jobs and economic development; and

Whereas, America's increased dependence on foreign energy supplies and global competition for oil and natural gas will create a threat to our national security; and

Whereas, the nation's farming and ranching sector depend on a reliable and affordable supply of energy to run equipment, fertilize crops and transport products to market; and

Whereas, the Economic Research Service of the United States Department of Agriculture estimates that farmers' fuel expenses for 2005 will have exceeded their 2004 fuel expenses by 41 percent, and higher energy prices mean increased costs to farmers and ranchers, who already face tremendous economic challenges; and

Whereas, the fertilizer industry depends on natural gas, and since 2002, 36 percent of the U.S. fertilizer industry has been shut down or mothballed and the industry has been forced to move production to other countries, creating a threat to our food security; and

Whereas, the Energy Information Administration of the United States Department of Energy projects that the average residential customer this winter will spend approximately 48 percent more on natural gas than last winter, creating a serious hardship for those who lived on a fixed or limited income, especially senior citizens; and

Whereas, today, the Outer Continental Shelf represents one of the brightest spots in terms of potential United States energy resources: now, therefore, be it

*Resolved* by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the Minerals Management Service of the United States Department of Interior to include all Outer Continental Shelf planning areas in its proposed five-year plan for 2007 through 2012 and approve the broadest possible plan for offshore development; and be it further

*Resolved*, That the Secretary of State is directed to send enrolled copies of this resolution to the United States Secretaries of Commerce, Interior and Energy, and to the administrators of the Minerals Management Service, Federal Energy Regulatory Commission, National Oceanic and Atmospheric Administration, and the Environmental Protection Agency, and to the President and Congressional leadership, and to each member of the Kansas congressional delegation.

POM-355. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to providing funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urging the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 232

Whereas, on February 15, 2006, unknown individuals vandalized three Civil War monuments and stole a 120-year-old sword at the Gettysburg National Military Park; and

Whereas, the individuals desecrated the monument for the 4th New York Battery, also known as "Smith's Battery," which was dedicated on July 2, 1888; and

Whereas, a bronze statue of a Zouave infantryman was pulled from the pedestal of the 114th Pennsylvania Volunteer Infantry Monument, which was dedicated on July 2, 1886; and

Whereas, the top stone and sculpture of the 11th Massachusetts Volunteer Infantry Monument, dedicated on October 8, 1885, was dislodged and its sword taken; and

Whereas, the Battle of Gettysburg on July 1 through 3, 1863, represents a pivotal point in the history of the United States in which thousands of men lost their lives and the reunification of our nation was ultimately ensured; and

Whereas, in the cemetery of Gettysburg, President Abraham Lincoln delivered one of the most historic and enduring speeches in American history; and

Whereas, the Gettysburg National Military Park and its cemetery, monuments and memorials are a treasured and sanctified landmark for the Commonwealth of Pennsylvania and the nation, honoring the men who fought valorously and who made the ultimate sacrifice; and

Whereas, the acts of vandalism are a malicious and heinous attack on the sanctity of the Gettysburg National Military Park and the memory of the men who fought there; therefore be it

*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to provide funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urge the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to

the fullest extent available under statute the perpetrators of the vandalism; and be it further

*Resolved*, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-356. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana; therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading

hurricane tidal flood protection in south Louisiana; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-357. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to requesting that Rutgers, the State University, assist the Governor's "Flood Mitigation Task Force" in examining and determining the causes and solutions to help reduce flooding along the Delaware River, especially in Trenton; to the Committee on Environment and Public Works.

#### SENATE RESOLUTION NO. 29

Whereas, from Friday April 1, 2005 through Sunday April 5, 2005, a major storm deposited four inches of rain on New Jersey, causing heavy main stream and river flooding, and prompting the Governor to declare a state of emergency; and

Whereas, an estimated 3,500 homes were affected by the flooding, with at least 5,600 people evacuated; and

Whereas, the April 2005 flood marks the third major flood in less than a year for New Jersey communities, emphasizing a strong need to establish safeguards for the areas most affected by the flooding; and

Whereas, the Governor has announced the creation of the "Flood Mitigation Task Force" to study and implement measures to reduce the impacts of flooding in New Jersey communities; and

Whereas, the members of the task force include the Commissioner of the Department of Environmental Protection, the Chair of the Department of Geography of Rutgers University, public and elected officials, and academic experts; and

Whereas, the task force will consult with the State climatologist, the Office of Emergency Management and the United States Geological Survey on ways to manage flooding; and

Whereas, it is in the best interest of the State to request the additional assistance of Rutgers, the State University, in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future: Now, therefore, be it

*Resolved by the Senate of the State of New Jersey*:

1. This Senate resolution requests that Rutgers, the State University, assist the Governor's "Flood Mitigation Task Force" in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM-358. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to immediately authorizing the Morganza to the Gulf Hurricane Protection Project, and urging and requesting the U.S. Army Corps of Engineers to include such recommendation in its pending interim report to Congress; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 72

Whereas, an interim report being prepared by the U.S. Army Corps of Engineers as part

of the Category 5 Hurricane Protection Study will shortly be submitted to Congress; and

Whereas, one purpose of the interim report is to allow Congress to act immediately on recommendations contained in the report; and

Whereas, Terrebonne Parish was severely impacted by Hurricane Rita, with flooding affecting approximately ten thousand businesses and homes; and

Whereas, with the exception of assistance in the two weeks immediately following the hurricane, Terrebonne Parish has received no further assistance from the federal government to repair flood control infrastructure; and

Whereas, funding for such flood control infrastructure has been excluded from significant federal appropriations for Louisiana and from the proposed federal budget for the coming fiscal year; and

Whereas, the Morganza to the Gulf Hurricane Protection Project has been ready for authorization for Congress since 2002, and was presented to Congress in that year after ten years of study, analysis, and evaluation; and

Whereas, such study and analysis shows that immediate implementation of the Morganza to the Gulf Hurricane Protection Project is the best way to obtain Category 5 hurricane protection for affected parts of Terrebonne and Lafourche parishes; and

Whereas, without implementation of such project, these areas lack protection from almost any significant storm levels and face potential disaster if implementation is further delayed; therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to immediately authorize implementation of the Morganza to the Gulf Hurricane Protection Project, be it further

*Resolved*, That the interim report being prepared by the U.S. Army Corps of Engineers for Congress as part of the Category 5 Hurricane Protection Study should include a recommendation for immediate authorization of the Morganza to the Gulf Hurricane Protection Project, be it further

*Resolved*, That a copy of this Resolution shall be transmitted, to the commander of the U.S. Army Corps of Engineers, the executive office of the New Orleans District of the U.S. Army Corps of Engineers, the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM-359. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana.

#### HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in small-

er communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana; therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-360. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 203

Whereas, prescription drug costs have risen at a rapid rate over the past decade; and

Whereas, the rising costs of prescription drugs have proven unsustainable for millions of America's senior citizens; and

Whereas, in order to curb the ever-increasing burden of prescription drug costs on senior citizens, congress adopted a prescription drug benefit program as part of Medicare; and

Whereas, on December 8, 2003, President Bush signed the Medicare Prescription Drug, Improvement and Modernization Act, and this legislation provides senior citizens of the United States with a Medicare prescription drug benefit; and

Whereas, the drug benefit, otherwise known as Medicare Part D, is estimated by the Bush administration to currently have thirty-seven million enrollees; and

Whereas, Hurricane Katrina put an additional financial burden on many of Louisiana's seniors, as well as exacerbating many of the already severe health concerns of the state's citizens; and

Whereas, additional time to review and choose the proper prescription drug benefit is necessary, as many seniors have been occupied by the travails of rebuilding after the devastation wrought by Hurricane Katrina; and

Whereas, on March 8, 2006, Randy Brauer, the acting director of the division of enrollment and eligibility policy of the CMS issued a letter stating that evacuees of Hurricane Katrina will be granted a special enrollment period in which to enroll in Medicare Part D; and

Whereas, the normal deadline for enrollment is May fifteenth, and the extended deadline is over seven months later on December thirty-first; and

Whereas, state and local agencies as well as civic and community groups have informed senior citizens of the extended enrollment period; and

Whereas, though a special enrollment period has been created, CMS is considering penalizing seniors who decide to take advantage of the extended enrollment period; and

Whereas, many of the elderly have experienced financial hardship as a result of the hurricane that makes an increase in the cost of the drug benefit even more pernicious; Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services not penalize senior citizens who resided in areas affected by Hurricane Katrina for utilizing the special enrollment period established for enrollment in Medicare Part D; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-361. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting the Nursing Home Fire Safety Act; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 247

Whereas, the safety of the elderly and disabled, our most vulnerable citizens, deserves the highest priority and attention. It is estimated that 20 to 30 percent of the nation's 17,000 nursing homes lack sprinkler systems. Such blatant oversights place the residents of these facilities at great risk in the event of a fire; and

Whereas, in 2005, legislation was introduced in Congress to enact the Nursing Home Fire Safety Act. It is the intent of Congress, through this legislation, to equip every nursing home in the country with a fire sprinkler system over the next five years, adopt the Life Safety Code, and provide direct loans and sprinkler retrofit assistance grants to assist with installation costs; and

Whereas, the bill requires the Center for Medicare and Medicaid Services (CMS), the agency authorized to implement nursing home regulations, to adopt the National Fire Protection Association's (NFPA) new requirement that all existing nursing homes be equipped with automatic fire sprinklers. It also provides the resources that existing

nursing homes will need to retrofit their facilities while continuing to care for residents; now, therefore, be it

*Resolved by the House of Representatives*, That we memorialize the Congress of the United States to enact the Nursing Home Fire Safety Act; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-362. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to extending the Medicare Part D prescription drug deadline to December 31, 2006; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 727

Whereas, Many older and disabled citizens in the United States and the Commonwealth of Pennsylvania depend on the Federal Government for assistance with the purchase of necessary prescription drugs; and

Whereas, The Federal Medicare Part D prescription drug benefit can help all eligible Americans and Pennsylvanians with the rising out-of-pocket drug costs, especially those persons with limited incomes; and

Whereas, Given enough time to eliminate the confusion created by the changes in this prescription drug program, most eligible citizens will sign up or obtain alternative insurance coverage; and

Whereas, Beneficiary and caregiver education and counseling is critical to promote informed decision making and smooth transition as this new drug benefit is implemented; and

Whereas, The current proposed May 15, 2006, deadline for enrollment in the program or alternative insurance is too soon to include everyone it should because of the confusion and lack of education and counseling for seniors and caregivers; Therefore, be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to extend the Medicare Part D prescription drug deadline to December 31, 2006; and be it further

*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-363. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to repealing the excise tax on telecommunications; to the Committee on Finance.

#### HOUSE CONCURRENT MEMORIAL NO. 2007

Whereas, the first federal excise tax on communications was enacted in 1898 for the purpose of funding the Spanish-American War; and

Whereas, the tax was introduced as a "temporary" luxury tax; and

Whereas, the federal excise tax on communications was repealed in 1902 and was not reenacted until World War I required additional revenues; and

Whereas, the World War I federal excise tax on communications was repealed in 1924 and was reenacted in 1932; and

Whereas, all of the initial federal excise taxes on telecommunications applied only to toll, long distance service; and

Whereas, in 1941, with the advent of World War II, the federal excise tax on communications was extended to general service; and

Whereas, a federal excise tax on telephone service has been in effect in every year since 1941, despite enactment of periodic legislation to repeal or phaseout the tax; and

Whereas, telephone service is no longer a luxury, but rather a necessity for consumers of all income levels; and

Whereas, the federal excise tax is regressive, as low-income Americans pay a higher percentage of their income for telephone services than high-income Americans; and

Whereas, telecommunications services are the infrastructure on which new technologies including the Internet depend, and therefore the telecommunications excise tax discourages expansion of both the telephone infrastructure and new technologies; and

Whereas, the federal excise tax on telecommunications flows into the general fund, rather than being earmarked for a specific purpose; and

Whereas, in 2000, both houses of Congress passed a repeal of the federal excise tax on telecommunications, which was vetoed by President William Jefferson Clinton.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States repeal the federal excise tax on telecommunications.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-364. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to supporting permanent repeal of the Federal Inheritance Tax; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 3

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now, therefore, be it

*Resolved*, That the House of Representatives of the state of Utah requests our elected representatives and senators in the United States Congress support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

*Resolved*, That copies of this resolution be sent to the members of Utah's congressional delegation.

POM-365. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to appropriating sufficient funding for the recovery of the shrimp industry and voting against the repeal of the "Byrd Amendment"; to the Committee on Finance.

#### SENATE RESOLUTION NO. 117

Whereas, Louisiana has the nation's only warm water shrimp cannery; and

Whereas, before hurricanes Katrina and Rita, Louisiana generated an estimated one

hundred twenty million pounds of shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers are the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at retail level is approximately nine hundred and nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended to repeal the provision of the Continued Dumping and Subsidy Offset Act, commonly known as the "Byrd Amendment"; and

Whereas, the "Byrd Amendment" required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states that initiated a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the "Byrd Amendment" and the effects of hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stands to suffer severe financial losses: Therefore, be it

*Resolved*, That the Senate of Louisiana memorializes the Congress of the United States to appropriate sufficient funding for the recovery of the shrimp industry. Be it further

*Resolved*, That the Senate of Louisiana memorializes the Congress of the United States to vote against the repeal of the "Byrd Amendment." Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-366. A joint resolution adopted by the Legislature of the State of Utah relative to the tax deductibility of medical expenses by individuals; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION NO. 2

Whereas, access to quality health care is a basic need of individuals and families within the State;

Whereas, employer sponsored health insurance is the most common means of insuring nonelderly Americans;

Whereas, the growth in the cost of health care has made it increasingly difficult for employers, especially small employers, to provide affordable health care coverage to their employees;

Whereas, there is consequently a need to foster insurance coverage other than employer sponsored health insurance;

Whereas, current Federal law provides a tax benefit for health insurance provided as an employee fringe benefit, but generally offers no similar tax benefit for health insurance purchased by individuals;

Whereas, current Federal law provides a tax benefit on third-party payment of medical expenses, but generally offers no similar tax benefit for most individuals' direct payment of medical expenses;

Whereas, this tax structure has negative implications such as: curtailing competition for health insurance and health care services

generally resulting in higher costs; increasing large group health care delivery systems resulting in decisions being made by large health care bureaucracies and the eroding of the doctor-patient relationship; restricting individuals' freedom to exercise direct control over their health care costs; and discriminating against individuals who work for employers that do not provide health benefits, who are unemployed, or who are disabled;

Whereas, access to health care, choice in health care decisions, and affordability of health care may improve if Congress places the medical choices made by individuals on equal footing with those made by employers and third parties; and

Whereas, Congress is considering adoption of the Health Care Freedom of Choice Act through the passage of H.R. 4625, 109th Cong. (2005) which would provide for the tax deductibility of expenses for medical care of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer, which the taxpayer pays but for which the taxpayer is not compensated: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah urges Congress to pass H.R. 4625, 109th Congress, First Session, which provides tax benefits to individual health care choices; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-367. A joint resolution adopted by the Legislature of the State of Utah relative to expressing opposition to a recent decision of the United States Supreme Court regarding pornography and urging Congress to pass a constitutional amendment to protect children from accessing pornography; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION NO. 7

Whereas, in *Ashcroft v. American Civil Liberties Union*, 124 S. Ct. 2783, 159 L. Ed. 2d 690, plaintiffs challenged the content-based speech restrictions of the Child Online Protection Act (COPA), which was designed to protect minors from exposure to pornography on the World Wide Web;

Whereas, in that case, the United States Supreme Court invoked a requirement that, in order to prevail in a court challenge, the federal government must demonstrate that less restrictive methods of protecting minors from pornography are not as effective as current law;

Whereas, in that case, the United States Supreme Court held that the federal government failed to meet the burden of proving that proposed alternatives such as filtering software, a plausible less restrictive alternative to COPA, would be less effective in protecting minors from exposure to pornography on the Internet;

Whereas, child pornography has become a \$3 billion annual industry;

Whereas, the United States Customs Service estimates that there are more than 100,000 websites offering child pornography, which is illegal worldwide;

Whereas, these unlawful sexual images can be purchased very easily at these websites;

Whereas, more than 20,000 images of child pornography are posted on the Internet every week;

Whereas, one in five children who use computer chat rooms has been approached over the Internet by pedophiles;

Whereas, in 2002, the United States Supreme Court stated in another case that virtual pornographic images of children are a victimless crime;

Whereas, in many instances it is impossible for a viewer to determine whether an

image is a virtual or an actual photographic image;

Whereas, the determination of whether the material is "harmful to minors" was intended by the United States Supreme Court to be made by lawfully appointed juries made up of, in the Court's own words, "average person[s], applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest" and "taken as a whole, lack serious literary, artistic, political, or scientific value for minors";

Whereas, the United States Congress should take deliberate action to protect minors through the passage of a constitutional amendment protecting minors from exposure to pornography; and

Whereas, governments and the courts must respond decisively when minors are exposed to material that is harmful to them, in the name of preserving the free speech right of adults: Therefore, be it

*Resolved*, That the Legislature of the state of Utah expresses opposition to the United States Supreme Court's decision in *Ashcroft v. American Civil Liberties Union*, 124 S. Ct. 2783, 159 L. Ed. 2d 690, and other recent cases that claim to preserve the free speech rights of adults while exposing minors to material the United States Supreme Court has stated is "harmful to minors;" and be it further

*Resolved*, That the Legislature of the state of Utah, in order to help protect children, strongly urges the United States Congress to pass a constitutional amendment, if necessary, prohibiting child pornography, actual or simulated; and be it further

*Resolved*, That the Legislature strongly urges Congress to pass a constitutional amendment, if necessary, to criminalize the possession or viewing of child pornography, actual or simulated, by any individual; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Supreme Court, and to the members of Utah's congressional delegation.

POM-368. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION NO. 212

Whereas, Taiwan has developed steadily into a major international trading power with over three hundred forty billion dollars in two-way trade and the world's seventeenth largest economy; and

Whereas, Taiwan is the United States' eighth largest trading partner, with trade flowing between these nations totaling over fifty-six billion dollars in 2005 alone; and

Whereas, Taiwan is the sixth largest market for United States agricultural products, including beef, wheat, corn, and soybeans, and with the strong purchasing power of its twenty-three million people, there are many opportunities to further expand bilateral trade between Taiwan and the United States; and

Whereas, Taiwan is the world's largest supplier of computer monitors and is a leading personal computer manufacturer; and

Whereas, some of the biggest industries in Taiwan are electronics and computer products, chemicals and petrochemicals, basic metals, machinery, textiles, transport equipment, plastics, and machinery; and

Whereas, a United States-Taiwan free trade agreement would lead to further investment by firms in both Taiwan and the



United States and would create new business opportunities and new jobs; and

Whereas, a United States-Taiwan free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development; and

Whereas, the United States International Trade Commission (USITC) and the Institute for International Economics (IIE) estimate that a United States-Taiwan free trade agreement would increase United States exports to Taiwan by about six billion dollars: Therefore be it

*Resolved*, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; and be it further

*Resolved*, a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-369. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permitting emergency workers and equipment to cross the international border with Mexico to address emergencies that threaten both sides of the border; to the Committee on Foreign Relations.

#### CONCURRENT MEMORIAL

Whereas, Arizona and Mexico share a border that stretches for more than three hundred fifty miles; and

Whereas, the threats from environmental spills, leaks, explosions and similar disasters involving toxic substances in border communities are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, the threats from fires, floods and similar natural disasters are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, as a result of a joint legislative protocol session with the members of the Arizona Legislature, on December 1, 2005, the Legislature of Sonora, Mexico adopted a resolution calling on the federal government in Mexico to permit emergency workers and vehicles to cross the international border to fight such environmental and natural disasters as long as they return to their country of origin when the emergency subsidies.

Whereas, authorizing emergency workers and equipment to cross the international border requires action by the President and Congress of the United States of America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

(1) That the President and Congress of the United States of America recognize the importance of authorizing emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides;

(2) That the President and Congress of the United States of America take the action necessary to authorize emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides as long as they return to their country of origin when the emergency subsidies; and

(3) That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States of America, the President of the United States

Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-370. A resolution adopted by the Senate of the Legislature of the State of Utah relative to urging the Bush Administration to support Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

#### SENATE RESOLUTION NO. 3

Whereas, the World Health Organization's (WHO) Constitution states that "The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health";

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including non-member states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO); Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO

and shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years, both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally, it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Therefore, be it

*Resolved*, That the Senate of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

*Resolved*, That the Senate urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM-371. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to urging the President and Congress of the United States to take immediate action in assisting with the peace-keeping mission and efforts to resolve the conflict in the Darfur region of Sudan; to the Committee on Foreign Relations.

#### HOUSE RESOLUTION NO. 741

Whereas, the people of Darfur have suffered for decades from the devastating effects of drought; and

Whereas, in 2003 a crisis associated with drought conditions and limited food production was further compounded by a campaign of violence in the region; and

Whereas, since 2003 an estimated 300,000 people have died as a result of the genocide in Darfur and approximately 3.5 million men, women and children in the region continue to face violence and starvation; and

Whereas, a separate Sudanese conflict lasting more than two decades ended in 2005, raising hope in the country, but conditions have worsened; and

Whereas, recently the scope and degree of violence has escalated, leading to the arrival of tens of thousands of people at refugee camps in Sudan and Chad; and

Whereas, civilians are unable to grow food and sustain life as roving government-sponsored militias systematically beat, rape and kill the people of Darfur; and

Whereas, the United Nations refugee agency, the United Nations High Commissioner for Refugees, recently announced it will be cutting refugee assistance funds to Darfur by 44%, which adds to the urgency of the situation; and

Whereas, on February 17, 2006, President Bush stated that he would push for additional United Nations and North Atlantic Treaty Organization (NATO) assistance to protect the people of Darfur; and

Whereas, on March 24, 2006, the United Nations Security Council adopted a resolution to further support assistance efforts in Darfur; and

Whereas, intervention by the United States and the United Nations may take time to implement; and

Whereas, if the security situation continues to deteriorate and the humanitarian life-support system fully collapses, the casualty rate could rise as high as 100,000 per month; Therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania urge the President of the United States to push for:

(1) immediate assistance to the African Union peacekeeping mission to improve their civilian protection capacity until the United Nations can fully deploy a capable peacekeeping force;

(2) a United Nations peacekeeping force to take over the African Union peacekeeping mission in Darfur; and

(3) greater United States involvement in the Darfur peace process and urge the President to use the power of his office to encourage other world leaders to do so as well; and be it further

*Resolved*, That the House of Representatives urge members of Congress to:

(1) support short-term supplemental funding for peacekeeping and humanitarian aid in Sudan, a minimum of which should include the \$514 million requested by the President in the Fiscal Year 2006 supplemental appropriations bill;

(2) support long-term Fiscal Year 2007 funding for humanitarian aid, NATO and United Nations peacekeeping and reconstruction assistance; and

(3) pass the strongest possible version of the Darfur Peace and Accountability Act, which includes placing additional penalties on the Government of the Sudan and on those persons, complicit in the genocide; and be it further

*Resolved*, That copies of this resolution be transmitted to the President, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-372. A concurrent resolution adopted by the Legislature of the State of Utah relative to recognizing the contributions of Fred C. Adams to the State of Utah; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, the Utah Shakespearean Festival is considered by many to be one of the most prestigious repertory theaters and Shakespearean festivals in the United States;

Whereas, over the last 44 years, the Utah Shakespearean Festival, which is currently in its 45th season, has hosted 4,148,008 people who have attended 144 productions of Shakespeare's plays;

Whereas, as of the year 2000, the Utah Shakespearean Festival had produced Shakespeare's entire canon of plays;

Whereas, the Utah Shakespearean Festival has employed 170 musicians, 376 electricians, 218 directors, 447 designers, 314 props artists, 957 carpenters, 877 Greenshow performers, 260

make-up artists, 2,007 actors, 291 stage managers, and 1,272 costumers;

Whereas, Fred C. Adams is the Festival Founder and Executive Producer Emeritus;

Whereas, under Mr. Adams's guidance, the Festival has grown from a budget of \$1,000 and 3,276 paid admissions in 1962, to a 2006 annual budget of \$6 million and an anticipated attendance of 150,000 paid admissions;

Whereas, beginning his long association as a teacher at Southern Utah University in 1959, he retired from his university teaching and directing responsibilities in 2000, to devote his energies full-time to the day-to-day artistic operations of the Festival;

Whereas, Mr. Adams received his B.A. and M.A. degrees from Brigham Young University in theater arts and Russian;

Whereas, on June 4, 2000, the Utah Shakespearean Festival received the prestigious Tony Award for Outstanding Regional Theater at Radio City Music Hall in New York City;

Whereas, 1,389 schools have participated in the Festival's High School Shakespeare Competition since 1977;

Whereas, 183,280 students have seen the Festival's Educational Tour since 2001;

Whereas, the International Festival and Events Association estimates the annual economic impact of the Utah Shakespearean Festival to be in excess of \$64 million;

Whereas, in 2001 the Festival received the 25th Annual National Governors Association Award for Distinguished Service to the Arts;

Whereas, Mr. Adams is the recipient of the Pioneer of Progress Award for the Days of '47 in Salt Lake City (2005), the Ernst and Young Entrepreneur of the Year Award (2003), the Utah Theater Association's Lifetime Service Award (2000), an honorary doctorate degree from Southern Utah University (1999), the Institute of Outdoor Drama's Mark R. Sumner Award (1998), Brigham Young University's Distinguished Service Award (1995), Geneva Steel's Modern Pioneer Award (1994), the Cedar City Area Chamber of Commerce Arts Contribution Award (1992), Southern Utah University's Outstanding Alumni Award (1991), the Citizen Meritorious Service Award from the American Parks and Recreation Society (1991), Utah Business Magazine's Outstanding Business Leader recognition (1989), the First Annual Governor's Award in the Arts (1989), and the Distinguished Alumni Award from Brigham Young University (1984 and 1987);

Whereas, Mr. Adams was also honored to carry the Olympic flame in Cedar City during the 2002 Winter Olympic Torch Relay;

Whereas, Mr. Adams was the featured personality for the Utah Travel Council's summer tourism advertising campaign in 1995 and 1996, appearing in a number of magazines, including Condé Nast Traveler, Mature Outlook, American Heritage, Midwest Living, National Geographic Traveler, Gourmet, and Life;

Whereas, Mr. Adams is the author of many articles appearing in several professional magazines, and he is a favorite lecturer for educational institutions and professional organizations throughout the United States and Europe;

Whereas, Mr. Adams also conducts and is host for at least one annual tour to Europe;

Whereas, as executive director of the Festival Center Project, Mr. Adams will now focus on securing funding for the completion of the Utah Shakespearean Festival Center for the Performing Arts;

Whereas, the projected \$65 million Center will feature Renaissance-style buildings surrounding a brick-paved central plaza and a beautiful fountain highlighted by bronze statues of some of Shakespeare's most loved characters;

Whereas, the Center will include the relocated Adams Shakespearean Theater (a

Tudor-styled outdoor theater), and one additional small performance facility (the New Playwright's Theater), as well as a bookstore, art gallery, bakery, restaurant, ale house, costume and scene shops, Greenshow performance stages, a seminar grove, and a feast hall patterned after the great banquet halls of Europe, all of which will compliment the state-of-the-art Randall L. Jones Theater, built in 1989;

Whereas, as executive producer emeritus he will consult and advise the Festival concerning play selection, choosing directors and designers, and long-term planning;

Whereas, Mr. Adams will also continue to be seen at the Festival as he conducts orientations, participates in all Festival functions, and greets patrons and his many friends before the plays; and

Whereas, the life and accomplishments of Fred C. Adams and his contribution to the arts and to economic development in the State of Utah merit the thanks and praise of a grateful state: Now, therefore, be it

*Resolved*, that the Legislature of the State of Utah, the Governor concurring therein, recognize the enormous contributions of Fred C. Adams to the arts in the State of Utah, and to its economic development; be it further

*Resolved*, That a copy of this resolution be sent to Fred C. Adams.

POM-373. A Senate concurrent resolution adopted by the Legislature of the State of Kansas relative to federal funding of education; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 1618

Whereas, The state of Kansas under the Quality Performance Accreditation (QPA) System has long pursued the goal of improving the academic performance of all students, especially students of racial and ethnic background, lower economic status, limited English proficiency and with learning disabilities or challenges; and

Whereas, The state of Kansas, therefore, applauds the President and the United States Congress for putting forth the same goals in the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, and emphasizing the urgency in improving the performance of these students; and

Whereas, The reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, has encouraged some needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary education; and

Whereas, However, the increases in federal funding since the first year of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, have been minimal; and

Whereas, The federal government has decreased funding for reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in fiscal year 2006 by \$793,000,000, decreased funding for postsecondary education by \$166,000,000, and decreased funding for programs that serve students with disabilities by \$21,000,000: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the Kansas legislature memorializes the President and the United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for the reauthorization



of the Elementary and Secondary Education Act of 1965 commonly known as the No Child Left Behind Act of 2001, the Higher Education Act, the Individuals with Disabilities Education Act and other educational related programs; and

*Be it further resolved:* That the state of Kansas requests that the President, United States Congress and United States Department of Education offer the various states waivers, exemptions or whatever flexibility is possible regarding the requirements of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in any year that federal funding for public elementary and secondary education is decreased to prevent states from spending state and local resources on activities that have not proven effective in raising student achievement and may not be the priority of an individual state; and

*Be it further resolved:* That the state of Kansas encourages other states to pass similar resolutions; and

*Be it further resolved:* That the Secretary of State send an enrolled copy of this resolution to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education and each member of the Kansas legislative delegation.

POM-374. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION NO. 690

Whereas, The Commonwealth of Pennsylvania and the Republic of China (Taiwan) have had a long history of friendship; and

Whereas, Philadelphia is home to a large Taiwanese community; and

Whereas, The people of the Taiwanese-American community maintain close ties with family and friends in their native land and are concerned about their health, safety and quality of life; and

Whereas, Good health is essential to every citizen of the world, just as access to the highest standards of health information and service is necessary to improve the public health; and

Whereas, The World Health Organization (WHO) set forth, in the first chapter of its charter, the objective of attaining the highest possible level of health for all people; and

Whereas, The House of Representatives of the Commonwealth of Pennsylvania is justly proud to support the participation of Taiwan in the role of observer in the World Health Organization in the upcoming World Health Assembly (WHA) at its annual summit to be held in Geneva, Switzerland in May 2006; and

Whereas, Taiwan's population of more than 23 million is larger than that of 75% of the current WHO member states; and

Whereas, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, The State Department, in its report to the Congress of the United States in April 2005, reaffirmed United States support of Taiwan's observer status in the WHA; and

Whereas, Fifty-three members of the United States House of Representatives wrote a letter to Secretary of State Condoleezza Rice on December 16, 2005, expressing their support of observer status for

Taiwan at the annual meeting of the WHA; and

Whereas, The United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

Whereas, The government and the people of Taiwan have been actively engaged in various activities in the fields of medical assistance and humanitarian relief to countries in Africa, Asia, Central America and the Caribbean in such places as Afghanistan, Chad, El Salvador, Honduras and Liberia and have contributed financial resources to global relief efforts and to combat disease around the world; and

Whereas, Taiwan's participation in international health forums and programs is critical, especially with today's greater potential for the cross-border spread of various infectious diseases such as human immunodeficiency virus (HIV), tuberculosis and malaria; and

Whereas, Recent outbreaks of the lethal avian flu and severe acute respiratory syndrome (SARS) in East Asia and Southeast Asia have caused panic around the world and have accentuated the importance of Taiwan's participation in international health forums and the inherent danger of non-participation; and

Whereas, Taiwan's substantial achievements in the field of health include having one of the highest life expectancy levels in Asia and having low maternal and infant mortality rates, eradicating such infectious diseases as cholera, smallpox and plague and being the first to eradicate polio and to provide children with hepatitis B vaccinations; and

Whereas, Taiwan's WHO observer status affects the health rights of millions of Taiwanese people and benefits regional and global public health; Therefore, be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania pause in its deliberations to applaud the contributions of Pennsylvania's Taiwanese-American community and join in support of the participation of Taiwan in the role of WHO observer; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, to the United States Department of Health and Human Services, to each member of the Pennsylvania Congressional Delegation and to the World Health Organization.

POM-375. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting changes to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 105

Whereas, the National Conference of State Legislatures created a special task force (Task Force) that spent ten months conducting a comprehensive, bipartisan review of the No Child Left Behind Act of 2001; and

Whereas, this review identified a number of changes that must be made to the No Child Left Behind Act for it to become a positive impetus to school improvement and ensure that young people will learn at their full potential; and

Whereas, the Task Force drafted forty-three recommendations outlining these necessary changes to provide useful, workable requirements for schools, many of which could be easily incorporated into the No Child Left Behind Act; and

Whereas, the four key Task Force recommendations include: (1) removing obsta-

cles that block state education innovations and undermine programs that were succeeding prior to the passage of the No Child Left Behind Act; (2) providing the federal financial assistance necessary for states to meet No Child Left Behind Act classroom goals; (3) removing the "one-size-fits-all" student performance measurements in favor of more sophisticated systems that measure progress on an individualized basis; and (4) recognizing that individual schools face special challenges, and that significant differences exist between rural and urban schools: Now, therefore, be it

*Resolved,* by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature strongly urges the Congress of the United States to support the worthwhile recommendations of the National Conference of State Legislatures special task force on revisions to the No Child Left Behind Act; and be it further

*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation.

POM-376. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the goal of eliminating suffering and death from cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 15 S.D. 1

Whereas, cancer is the second leading cause of death and touches almost every family, with over ten million Americans now living with a history of cancer; and

Whereas, cancer affects one out of every four Americans or one out of every two men and one out of every three women; and

Whereas, this year alone, cancer will claim the lives of more than 570,000 Americans or 1,500 people per day; and

Whereas, 1,700 Hawaii residents or roughly one out of every five deaths in Hawaii is attributed to cancer; and

Whereas, more than 1,300,000 cancer cases were diagnosed in 2005; and

Whereas, approximately 5,000 men and women in Hawaii are diagnosed each year with the disease; and

Whereas, it is estimated that cancer cost the Nation nearly \$190 billion 2003, including more than \$69 billion in direct medical costs; and

Whereas, the cost for cancer care in Hawaii is estimated to cost \$500 million each year; and

Whereas, the Nation's investment in cancer research and programs have led to actual progress; and

Whereas, between 1991 and 2001, cancer death rates declined by more than nine percent and about 258,000 lives were saved; and

Whereas, at least half of all cancer deaths could have been prevented by applying existing knowledge; and

Whereas, the Director of the National Cancer Institute has set a bold goal to eliminate suffering and death from cancer by 2015; and

Whereas, eliminating cancer related suffering and death will require a commitment by the Hawaii State Legislature to continue to make the fight against cancer a priority; now, therefore, be it

*Resolved,* by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature supports the goal of eliminating suffering and death due to cancer by 2015; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the Director of Health, the Hawaii Comprehensive Cancer Control Coalition, U.S. House of Representatives, U.S. Senate, and to the Director of the National Cancer Institute.

POM-377. A joint resolution adopted by the Legislature of the State of Utah relative to urging the citizens of Utah to increase their awareness of the contributions paraeducators make in educating children in public schools; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE JOINT RESOLUTION No. 15

Whereas, for the more than 40 years since they were first introduced into the nation's schools, the roles of "teacher aides" have become more complex and demanding;

Whereas, these aides have become technicians who are more aptly described as paraeducators;

Whereas, under the direction of teachers, paraeducators assist with the delivery, to both learners and their parents, of instructional and other direct services designed to support instructional plans and educational goals;

Whereas, more than 7,000 paraeducators serve in Utah's school districts and charter schools, providing invaluable services and support to students in Utah's public schools;

Whereas, these paraeducators display a high degree of professionalism and spend considerable time and energy in career development;

Whereas, paraeducators work as members of teams in the classroom where the teacher has the ultimate responsibility for the design and implementation of the classroom education program, the education programs of individual students, and for the evaluation of those programs and student progress;

Whereas, paraeducators work under the ultimate supervision of the school principal and are assigned to work under the direction of a teacher or team of teachers;

Whereas, while they perform clerical tasks, prepare materials, and monitor learners in nonacademic settings, paraeducators perform many other tasks under the supervision of teachers and, in some cases, related services professionals;

Whereas, paraeducators in early childhood, elementary, middle, and secondary classrooms and programs engage individual and small groups of learners in instructional activities developed by teachers, carry out behavior management and disciplinary plans developed by teachers, and assist teachers with functional and other assessment activities;

Whereas, paraeducators can also document and provide objective information about learner performance that enables teachers to plan and modify curriculum and learning activities for individuals, assist teachers with organizing learning activities and maintaining supportive environments, and assist teachers with involving parents or other caregivers in their child's education;

Whereas, recent legislation requires para-professionals to be qualified to perform their jobs and requires local districts to provide adequate training and supervision of their paraeducators;

Whereas, by serving jointly with teachers, paraeducators enhance the continuity and quality of services for many students in Utah schools; and

Whereas, the services provided by paraeducators, though not widely understood or recognized, are a key element in the success of Utah's education efforts: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the citizens of Utah to in-

crease their awareness of the critical role paraeducators play in the education of Utah school children; be it further

*Resolved*, That a copy of this resolution be sent to each of Utah's school districts, charter schools, the National Resource Center for Paraprofessionals, members of the Utah Education Coalition and education community, the Utah Parent Teacher Association, the Utah State Board of Education, and the Utah State Office of Education.

POM-378. A joint resolution adopted by the Legislature of the State of Utah relative to urging state agencies to replace "mental retardation" references in their documents with a more respectful description; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION No. 14

Whereas, the stigma attached to the phrase "mental retardation" creates an unwarranted burden on those who experience this intellectual disability;

Whereas, in some cases government agencies inadvertently perpetuate this burden by continuing to use this archaic term;

Whereas, this phrase should be changed to reflect a sensitivity to those who experience this disability;

Whereas, many government agencies throughout the United States have altered their documents to refer to these individuals as persons with a disability;

Whereas, the use of "persons with a disability" removes a measure of the sting and stigma suffered by those who must struggle with this disability every day of their lives; and

Whereas, Utah state agencies should take deliberate steps to update their documents to reflect this more sensitive reference to characterize those who experience this disability: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges Utah's state agencies to review their official documents and replace current references to "mental retardation" with an alternative that reflects increased sensitivity to those who experience this disability; and be it further

*Resolved*, That the Legislature encourages state agencies to review and consider alternative references to this disability that are used by other states; and be it further

*Resolved*, That a copy of this resolution be sent to the Department of Human Resources, the Utah Developmental Disabilities Council, the Department of Health, the Department of Human Services, and People First.

POM-379. A resolution adopted of the Legislature of the State of Utah relative to encouraging Utah schools to educate children regarding risks of sun exposure; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION No. 2

Whereas, one in five Americans will get skin cancer in their lifetime;

Whereas, melanoma, the most deadly form of skin cancer, is now the second leading cause of cancer for women in their 20's and 30's;

Whereas, melanoma is now the fastest growing cancer in the U.S., with cases increasing at an epidemic rate of 3% per year;

Whereas, there have been no significant advances in the medical treatment of advanced melanoma or its survival rate in the last 30 years;

Whereas, in a survey by the Centers for Disease Control, 74% of young adults and 50% of older adults said that they had little or no knowledge about melanoma;

Whereas, in 1940, the chance of a U.S. citizen getting melanoma was 1 in 1,500, by 2004

it was 1 in 67, and by 2010 scientists predict it will be 1 in 50;

Whereas, if caught in the earliest stages, melanoma is entirely treatable with a survival rate of nearly 100%;

Whereas, if untreated and allowed to spread, there is no known effective treatment or cure for melanoma;

Whereas, the lifetime risk of getting skin cancer is linked to sun exposed sunburn during childhood and adolescence;

Whereas, studies have shown that the occurrence of at least two blistering sunburns before the age of 18 years may double the risk for development of melanoma as an adult;

Whereas, it is estimated that regular use of sunscreen during childhood could lower skin cancer incidence by nearly 80%;

Whereas, since 1982, incidences of pediatric melanoma in children have more than doubled;

Whereas, Utah's melanoma rates are among the highest in the nation;

Whereas, Utah regularly ranks in the top five states in the nation for per capita deaths from melanoma;

Whereas, the United States Department of Health and Human Services Classifies solar radiation as a known human carcinogen;

Whereas, the causes, prevention, and early detection of skin cancer, particularly melanoma, are fairly well understood and easy to learn;

Whereas, schools have the potential to educate and positively influence pupil and family behavior regarding skin cancer prevention;

Whereas, simple, inexpensive changes in behavior such as wearing sunscreen, avoiding midday sun exposure, and wearing a shirt and hat can alter lifelong skin cancer risks;

Whereas, several programs are available to educators to help them teach students about the risks and prevention of skin cancer, and the programs could be integrated into classes in Utah schools;

Whereas, the United States Environmental Protection Agency has created a program that educates school-age children on the risks of exposure to the sun;

Whereas, this program, called SunWise, is provided free of charge, is designed for school-age children, requires no teacher training, and is easily integrated into a school's curriculum;

Whereas, SunWise is currently being used by 14,000 schools around the country and 246 school in Utah with great success;

Whereas, a low-cost program about the risks, and prevention of skin cancer, Sunny Days, Healthy Ways, was developed with grants from the National Cancer Institute;

Whereas, the Centers for Disease Control have free materials on the prevention of skin cancer which, can be downloaded from their website and used in class or sent home with children to help educate families;

Whereas, Only Skin Deep is a Utah based program designed to train high school students to teach their peers about skin cancer prevention;

Whereas, this program has been successfully used in Utah schools, is free of charge, and requires no time from teachers; and

Whereas, faced with the reality of the risks of sun exposure and with the variety of low or no-cost programs and materials available, Utah schools should educate their students on the risks and prevention of skin cancer: Now, therefore, be it

*Resolved*, That the Senate of the state of Utah urges Utah's public schools to consider incorporating sun exposure awareness programs and materials into their curriculum. Be it further

*Resolved*, That copies of this resolution be sent to each school district in the state of

Utah, the Utah Parent Teachers Association, the American Cancer Society of Utah, the Utah Cancer Action Network, the Utah State Office of Education, the Utah State Board of Education, the Utah Department of Health, the National Cancer Institute, and the Utah Society of Dermatologic Medicine and Surgery.

POM-380. A concurrent resolution adopted by the Legislature of the State of Utah relative to encouraging school boards to adopt policy prohibiting bullying; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 1

Whereas, school bullying, harassment, and intimidation greatly reduce a student's ability to both achieve and surpass academic standards in Utah;

Whereas, school bullying, harassment and intimidation can directly affect a student's health and well-being and thus contribute to excess absences from school, physical sickness, mental and emotional anguish, and long-term social and mental consequences;

Whereas, bullying, harassment; and intimidation can take physical, verbal, and written forms, including use of electronic media;

Whereas, it is long past time for not only society, but also for each community in Utah, down to the individual school community level, to acknowledge that bullying is not some sort of right of passage to be simply ignored or tolerated;

Whereas, incidents of reported school-related bullying in the state and throughout the nation are ample evidence of the need for intervention;

Whereas, many bullies eventually end up with criminal records and are involved in abusive relationships because they have not learned appropriate social behavior;

Whereas, it is within the goals and dictates of the state's public education system to provide a healthy, positive, and safe learning atmosphere for all Utah children in the state's public schools;

Whereas, many schools across the state are already engaged in prevention efforts, including Utah's K-12 prevention program, Prevention Dimensions;

Whereas, these programs emphasize assessment of the prevalence of bullying incidents and preventive, early intervention strategies; and

Whereas, with the help of local school boards, school districts and school personnel, parents, and concerned individuals, school bullying can be effectively addressed: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, express its condemnation of bullying, harassment, and intimidation in Utah schools. Be it further

*Resolved*, That the Legislature and the Governor urge school districts, concerned parents, the members of the Utah Substance Abuse and Anti-Violence Coordinating Council, and the members of the Utah Education Coalition, which includes the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, and the Utah School Superintendents Association to work together to further define and understand the multiple aspects of bullying and effectively utilize systems for reporting school-related bullying incidents. Be it further

*Resolved*, That the Legislature and the Governor call upon school districts, con-

cerned parents, the members of Utah Education Coalition, and the members of the Utah Substance Abuse and Anti-Violence Coordinating Council to respond to school-related bullying incidents by implementing a program where victims of bullying can be identified and assisted, and perpetrators educated, in order to create safer schools that provide a positive learning environment. Be it further

*Resolved*, That the Legislature and the Governor encourage these groups to come together to form a coalition whose goal would be to bring about, through education and other means, the end of bullying, harassment, and intimidation in the states public schools. Be it further

*Resolved*, That a copy of this resolution be sent to the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, the Utah School Superintendents Association, the Utah Substance Abuse and Anti-Violence Coordinating Council, each public school district in the state of Utah, and the Utah Charter School Association.

POM-381. A joint resolution by the Legislature of the State of Utah relative to recognizing the rights of public school students to voluntarily participate in religious expression in public schools; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 9

Whereas, a firm understanding of the proper and lawful role of religious expression is requisite to full participation in public institutions;

Whereas, a state of confusion and in some cases fear among the general citizenry exists as to the proper role of religious expression in public schools and other public settings;

Whereas, the free exercise of religion is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the freedom of speech is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the First Amendment to the United States Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble";

Whereas, the Utah Constitution states, "The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; . . . There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.";

Whereas, the Utah Constitution also states: "No law shall be passed to abridge or restrain the freedom of speech or of the press";

Whereas, prayer is fundamental to the exercise of both religion and free speech;

Whereas, courts have upheld the right of students to spontaneously and nondisruptively pray in school settings, and school administrators and teachers are in no way permitted to discourage such religious expression, including prayer, by a student;

Whereas, in the classroom, instruction covering religious subject matter is permitted,

provided the teacher does not advocate religion in general or one or more religions in particular;

Whereas, students participating in the singing of songs that are religious in theme, and expressions often related to holidays that are "religious in nature, also enjoy legal protection under the state and federal constitutions;

Whereas, the courts have established a three-part test for determining if a government action violates the establishment of religion clause of the First Amendment to the United States Constitution: (1) the government action must have a secular (nonreligious) purpose; (2) the government action's primary purpose must not be to inhibit or to advance religion; and (3) there must be no excessive entanglement between government and religion; and

Whereas, the United States Supreme Court has ruled the union-of-church-and-state ban applies only to circumstances that join a particular religious denomination and the state so that the two function in tandem on an ongoing basis: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah recognizes the right of public school students to voluntarily participate in prayer, and also in the singing of songs and in expressions related to holidays that are religious in nature, in public schools, within known legal limits of religious expression, tolerance, civility, and dignity as contemplated by this nation's founders. Be it further

*Resolved*, That a copy of this resolution be sent annually to each student currently enrolled in Utah's public schools, each parent of a student currently enrolled in Utah's public schools, the Utah Parent Teacher Association, the Utah Education Association, the Utah State Board of Education, the Utah State Office of Education, the Utah Association of Counties, and the Utah League of Cities and Towns.

POM-382. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to providing states with the necessary funding to implement the goals of the No Child Left Behind Act of 2001 and other education-related programs; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE CONCURRENT RESOLUTION NO. 104

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students, especially those of minority racial and ethnic backgrounds, lower economic status, and limited English proficiency, and those with learning disabilities or challenges; and

Whereas, the State of Hawaii, therefore, applauds the President of the United States and Congress for setting the same goals in the No Child Left Behind Act of 2001, and emphasizing the urgency in closing the achievement gaps for these students; and

Whereas, the No Child Left Behind Act has encouraged some needed changes in public education and was initially accompanied by relatively large increases in federal funding for public elementary and secondary education; and

Whereas, the increases in federal funding since the first year of implementation of the No Child Left Behind Act have been minimal and insufficient to meet its requirements; and

Whereas, the federal government has decreased funding for programs implementing the No Child Left Behind Act in fiscal year 2006 by almost \$800,000,000, and for overall public education by \$606,000,000, including cuts of more than \$165,000,000 from postsecondary education and over \$20,000,000 from programs for students with disabilities: Now, therefore, be it

*Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii Legislature urges the President of the United States and United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for implementation of the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further*

*Resolved, That the State of Hawaii requests that in any year that federal funding for public elementary and secondary education is decreased, the President, United States Congress, and the United States Department of Education create flexibility in No Child Left Behind Act requirements through the use of state waivers, exemptions, or other mechanisms; and be it further*

*Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Education, and Hawaii's congressional delegation.*

POM-383. A joint resolution adopted by the General Assembly of the State of Colorado relative to requesting the United States Senate to pass the "Stem Cell Research Enhancement Act of 2005"; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE JOINT RESOLUTION NO. 06-1034

Whereas, In May 2005, by a bipartisan vote of 238 to 194, the United States House of Representatives passed H.R. 810, the "Stem Cell Research Enhancement Act of 2005", and the bill is currently pending in the United States Senate; and

Whereas, H.R. 810 would authorize research using embryonic stem cells only if the stem cells are derived from human embryos that have been donated from in-vitro fertilization clinics, are created for the purpose of fertility treatment, and are in excess of the clinical need of the individuals seeking such treatment; and

Whereas, H.R. 810 would further require that it be determined that the human embryos used for research are ones that would never be implanted in a woman and would otherwise be discarded, and that the individuals donating the human embryos give written, informed consent to the donation and do not receive any financial or other inducements to make the donation; and

Whereas, Stem cell research offers the opportunity to discover cures and treatments for diseases such as Parkinson's, Alzheimer's, ALS, diabetes, spinal cord injury, and many others; and

Whereas, We have a responsibility to ensure that this research proceeds with ethical safeguards and strict guidelines, and, by permitting research only on excess embryos created in the in-vitro fertilization process and establishing a clear, voluntary consent process for donors, H.R. 810 meets this responsibility; and

Whereas, Senator Bill Frist, Senate Majority leader, noted, "While human embryonic stem cell research is still at a very early stage, the limitations put in place in 2001 will, over time, slow our ability to bring potential new treatments for certain diseases. Therefore, I believe the President's policy should be modified": Now, therefore, be it

*Resolved, by the House of Representatives of the Sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein; That the General Assembly of the state of Colorado requests the United States Senate to*

move expeditiously to pass H.R. 810 and urges all members of the United States Senate to vote in favor of H.R. 810; and be it further

*Resolved, That copies of this Joint Resolution be sent to the President and Vice-President of the United States, the Majority and Minority Leaders of the Senate, the Colorado Senate delegation.*

POM-384. A joint resolution adopted by the Legislature of the State of Utah relative to supporting Utah Highway Patrol use of white crosses as roadside memorials; to the Committee on Homeland Security and Governmental Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, since the creation of the Utah Highway Patrol in 1935, 14 Highway Patrol officers have been killed in the line of duty;

Whereas, the 14 Utah Highway Patrolmen who have been killed in the line of duty are Patrolman George "Ed" VanWagenen and Troopers Armond A. "Monty" Luke, George Dee Rees, Charles D. Warren, John R. Winn, William J. Antoniewicz, Robert B. Hutchings, Ray Lynn Pierson, Daniel W. Harris, Joseph "Joey" S. Brumett III, Dennis "Dee" Lund, Doyle R. Thorne, Randy K. Ingram, and Thomas S. Rettberg;

Whereas, for the families of these officers who have paid the ultimate price for their service, there is often very little that can be done to stem the tide of their grief and suffering, or to help them move on with their lives;

Whereas, the families of these officers killed in the line of duty have been involved in, and have supported, the creation of roadside memorials that are placed near the location of the incidents that caused the deaths of their loved ones;

Whereas, each memorial represents a Utah Highway Patrol officer who died in the line of duty and service to the state of Utah and its citizens;

Whereas, a white cross has become widely accepted as a symbol of a death, and not a religious symbol, when placed along a highway;

Whereas, the memorials remind the citizens of Utah and this nation of the price that is too often paid for safety and freedom;

Whereas, the memorials also console the family members left behind, who too often consist of young mothers and young children;

Whereas, the primary feature of the memorials is a white cross, which was never intended as a religious symbol, but as a symbol of the sacrifice made by these highway patrol officers;

Whereas, the beehive emblem, which is also the official state emblem, is attached to the cross because the emblem is worn as part of the official Utah Highway Patrol uniform;

Whereas, the purchase and placement of these memorials has been accomplished with private funds only; and

Whereas, given the heartfelt yet non-sectarian intentions of the memorials, removing or tampering with them would clearly convey an absence of concern, respect, and recognition of the sacrifices made by these officer and their families: Now, therefore, be it

*Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express support for the Utah Highway Patrol's use of white crosses, or other appropriate symbols as requested by the family, as roadside memorials as a means to pay tribute to the heroes from the ranks of the Utah Highway Patrol who have fallen and to their families; and be it further*

*Resolved, That a copy of this resolution be sent to the surviving spouse or nearest rel-*

ative of each Utah Highway Patrol Officer who has been killed in the line of duty and service to the citizens of Utah, the Utah Highway Patrol, and the Utah Highway Patrol Association.

POM-385. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to authorizing funding for the Navajo Health Foundation/Sage Memorial Hospital; to the Committee on Indian Affairs.

#### HOUSE CONCURRENT MEMORIAL NO. 2002

Your memorialist respectfully represents:

Whereas, the Navajo Nation finds that the lack of appropriations by the United States Congress for full funding of the Navajo Health Foundation/Sage Memorial Hospital, Inc. contract severely and negatively impacts the delivery of health care services to Navajo recipients of health care services.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress authorize and rebudget contract health care service funds appropriated to the Navajo Area Indian Health Service into hospital and clinic budgeted funds to fully fund the P.L. 93-638 contract with the Navajo Health Foundation/Sage Memorial Hospital.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of United States House of Representatives, the United States Secretary of Health and Human Services and each Member of Congress from the State of Arizona.

POM-386. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permanently repealing the death tax, dissolving United States Membership in the United Nations, and removing specific areas relating to faith from the jurisdiction of the United States Supreme Court; to the Committee on the Judiciary.

#### HOUSE CONCURRENT MEMORIAL NO. 2011

Whereas, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars of extra output each year and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Congress of the United States immediately and permanently repeal the death tax.

Your memorialist respectfully represents:

Whereas, the United States of America became an independent, sovereign nation for the reasons expressed in the Declaration of Independence and as the result of a bloody war to achieve its independence; and

Whereas, the Constitution of the United States of America is, and rightfully must remain, the Supreme Law of the Land; and

Whereas, the Constitution of the United States of America provides for limited, non-delegable and diffused powers of governments that are separated among the Congress, the President and the judiciary and that preserve the powers and duties of the individual states and the people; and

Whereas, the Constitution of the United States of America guarantees personal liberties of each individual citizen; and

Whereas, the Charter of the United Nations purports to supersede the independence and sovereignty of the United States and the Constitution of the United States of America and to usurp powers delegated in the Constitution by:

1. Concentrating in the United Nations Security Council control and use of certain American military personnel and the military personnel of all member nations for its own purposes without any accountability and in violation of the exclusive power of the United States Congress to declare war.

2. Seeking authority to tax citizens of the United States and other member nations directly to support United Nations activities.

3. Sponsoring and extending to all nations, whether signatories or not, an International Criminal Court that violates the rights of the accused as well as the Constitution of the United States and the Bill of Rights; and

Whereas, the oil-for-food effort in Iraq has been a global scandal that has enriched Saddam Hussein and his inner circle, leaving the Iraqi people further deprived, and has further enabled him to acquire arms and munitions that have been used against United States forces, all having occurred while under the supervision of the United Nations; and

Whereas, Congressman Ron Paul of Texas has introduced a bill in Congress that is known as the American Sovereignty Restoration Act of 2005. This important legislation, H.R. 1146, would end the membership of the United States in the United Nations; and

Whereas, the only benefit to the United States of America to belong to the United Nations is that we have veto authority on the Security Council to protect our allies, such as the Nation of Israel; and

Whereas, H.R. 1146 would repeal the United Nations Participation Act of 1945, the United Nations Headquarters Agreement Act and various other related laws. The bill would prevent the authorization of further monies for United Nations military operations and would terminate the participation of the United States in United Nations peace-keeping operations; and

Whereas, the Constitution and bylaws of the United Nations frequently conflict with the Constitution and laws of the United States. Over the years, past presidents have unconstitutionally transferred their authority to United Nations commanders without the consent of Congress; and

Whereas, the enactment of H.R. 1146, the American Sovereignty Restoration Act of 2005, would end the usurpation of American powers by the United Nations and would reaffirm the sovereignty of the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That upon such time that the United States of America ceases to use its veto authority on the United Nations Security Council to protect Israel, the Congress of the United States take immediate steps to ensure the passage of H.R. 1146, the American Sovereignty Restoration Act of 2005, and take any other measures necessary to dissolve the membership of the United States in the United Nations.

Your memorialist also respectfully represents:

Whereas, on June 27, 2005, the United States Supreme Court, in two razor thin ma-

jorities of 5-4 concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, many Americans are deeply puzzled as to how the Court could produce two opposite results involving the same Ten Commandments; and

Whereas, it is appropriate to observe that, based on the Kentucky decision, it is acceptable to display the Ten Commandments in a county courthouse, provided you do not believe in God; and

Whereas, Justice Scalia, in the Kentucky case, used these words to emphasize the importance of the Ten Commandments to most Americans: "The three most popular religions in the United States, Christianity, Judaism and Islam—which combined account for 97.7% of all believers—are monotheistic . . . [a]ll of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life"; and

Whereas, very recent polling data by a major Washington, D.C. paper revealed that a huge majority of the American people supports posting the Ten Commandments; and

Whereas, S520 and HR1070 are bills that would allow the display of the Commandments in public places in America. The operative language provides: ". . . [t]he Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government"; and

Whereas, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee. Hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee; and

Whereas, former Chief Justice Rehnquist, in the Texas case, used the following words to describe the obvious duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in local buildings in their communities while at the same time allowing the Ten Commandments to be present on the building housing the United States Supreme Court: "Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets."; and

Whereas, the Kentucky decision will be used by litigants who want to remove God from the public square in America. Sooner or later, this effort will take place in our states. Reports have indicated that efforts to remove the Ten Commandments from public buildings or public parks are now underway in at least twenty-five different places in America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the United States Congress adopt S520 and HR1070, and in so doing, protect the ability of the people of this state and nation to display the Ten Commandments in public

buildings, to express their faith in public, to retain God in the Pledge of Allegiance and in the national motto, and to use article III, section 2.2, United States Constitution, to remove these areas from the jurisdiction of the United States Supreme Court.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-387. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to making the Republic of Poland eligible for the United States Department of State Visa Waiver Program; to the Committee on the Judiciary.

#### HOUSE RESOLUTION 269

Whereas, The Republic of Poland is a free, democratic, and independent nation. The fall of the Berlin Wall in 1989 paved the way for Poland to break free from Soviet control and pursue its own destiny. In 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization. Since that historic occasion, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism. Poland actively participated in Operation Iraqi Freedom and the Iraqi reconstruction mission, shedding blood along with American military personnel; and

Whereas, From the beginning of Poland's new independence, the Polish people have expressed their wishes for close ties with America. On April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation for United States citizens traveling to Poland. The United States has not reciprocated this gesture. Our Department of State's Visa Waiver Program currently allows citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without first obtaining visas for entry. The countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

Whereas, the President of the United States and other high ranking officials have rightly described Poland as "one of our closest friends." After emerging from five decades of foreign domination, the people of Poland have made great strides in building a free and prosperous nation to stand by America's side in the great struggle of our day. It is appropriate that the Republic of Poland be made eligible for the United States Department of State Visa Waiver Program: Now, therefore, be it

*Resolved by the House of Representatives,* That we memorialize the President of the United States and the United States Congress to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Ambassador of the Republic of Poland to the United States of America.

POM-388. A resolution adopted by the Senate of the Legislature of the Commonwealth

of Massachusetts relative to affirming the civil rights and liberties of the people of Massachusetts; to the Committee on the Judiciary.

#### SENATE RESOLUTION

Whereas, the struggle to establish democracy and secure the rights and liberties of Americans began in Massachusetts; and

Whereas, the Declaration of Rights of the inhabitants of the Commonwealth of Massachusetts was the first enumeration of the civil rights and liberties of Americans, provided a model for the United States Constitution and its Bill of Rights, and continues to serve the Citizens of the Commonwealth; and

Whereas, every duly elected public official in Massachusetts has sworn to uphold the Constitution of the United States and the Constitution of the Commonwealth; and

Whereas, in response to the terrorist attacks of September 11, 2001, the United States Congress passed, without public hearings and with little debate, the USA PATRIOT Act (Public Law 107-56), provisions of which threaten the fundamental rights and liberties of citizens and non-citizens; and

Whereas, through executive orders, changes in procedures, and other actions, the United States Department of Justice has adopted practices which infringe upon the rights and liberties of citizens and non-citizens; and

Whereas, fifty-three Massachusetts cities and towns and more than 400 cities and towns across the United States have passed resolutions that affirm their support for our fundamental freedoms and that state their opposition to provisions of the USA Patriot Act and the practices of the United States Department of Justice; and

Whereas, on November 2, 2004, in the 9 State legislative districts where it appeared on the ballot, voters approved, by overwhelming margins, a referendum question requesting legislators to support a Massachusetts resolution asserting that the campaign against terrorism should not be waged at the expense of civil rights and liberties, and to support legislation barring the use of State resources for racial and religious profiling, for secret investigations without reasonable grounds, and for maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and

Whereas, the States of Alaska, Hawaii, Vermont, Maine, Montana, Idaho and Colorado have passed resolutions opposing provisions of the USA PATRIOT Act and Federal practices which threaten our civil liberties; and

Whereas, in recent testimony and through legislative initiatives, the United States Department of Justice has indicated an intention to seek even greater powers of surveillance, investigation and prosecution; now there be it

*Resolved*, That the Massachusetts State Senate hereby affirms the rights and liberties of the people of Massachusetts and our system of checks and balances as specified in the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts; and be it further

*Resolved*, That the Massachusetts State Senate hereby affirms that measures taken to protect our local and national security must be guided by and must respect principles of American liberty and the rights of persons as enshrined in the Constitution of the Commonwealth of Massachusetts, the United States Constitution and the Bill of Rights; and be it further

*Resolved*, That the Massachusetts State Senate hereby requests that the State and local law enforcement authorities refrain from actions that impinge and infringe upon and violate constitutional rights, such as racial and religious profiling, conducting

warrantless searches and maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and be it further

*Resolved*, That the Massachusetts State Senate hereby urges the United States Congress to allow to sunset, to repeal or to amend those sections of the USA PATRIOT Act which allow the executive branch to infringe upon the rights and liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, and to oppose any additional legislation that would infringe upon these rights and liberties; and be it further

*Resolved*, That the Massachusetts State Senate hereby urges the United States Department of Justice and other Federal agencies and departments to refrain from any investigations, procedures or prosecutions which infringe upon the liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, or which single out individuals for legal scrutiny or enforcement activity based upon their race, religion, ethnicity or country of origin; and be it further

*Resolved*, That the Massachusetts State Senate hereby urges the United States Congress to exercise its constitutionally necessary and proper oversight responsibilities relative to the operations and actions of the Departments of Defense and Justice, the National Security Agency and the Central Intelligence Agency that may adversely affect and impinge upon civil rights and liberties, and to ensure the publication of its findings; and be it further

*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the Honorable George W. Bush, President of the United States; to Alberto Gonzales, Attorney General of the United States; and to Michael J. Sullivan, United States Attorney for Massachusetts; and be it further

*Resolved*, That copies of these resolutions shall be transmitted to United States Senators Edward Kennedy and John Kerry, Congressmen Michael Capuano, William Delahunt, Barney Frank, Stephen Lynch, Edward Markey, James McGovern, Marty Meehan, Richard Neal, John Olver and John Tierney, Massachusetts Governor Mitt Romney, Massachusetts Attorney General Tom Reilly, Massachusetts State Police Colonel Thomas G. Robbins and to all city and town halls and public libraries within the Commonwealth of Massachusetts.

POM-389. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to passing a constitutional amendment banning the desecration of the United States flag; to the Committee on the Judiciary.

#### SENATE CONCURRENT RESOLUTION No. 23

Whereas, during the first session of the 109th Congress of the United States of America, House Joint Resolution 10 was introduced proposing to amend the Constitution of the United States to authorize the Congress to prohibit the physical desecration of the flag of the United States; and

Whereas, the United States House of Representatives on June 22, 2005, by a vote of two hundred eighty-six to one hundred thirty, passed the constitutional amendment prohibiting the physical desecration of the United States flag; and

Whereas, the United States Senate has until the end of 2006 to take action upon House Joint Resolution 10; and

Whereas, since 1995, the United States Senate has failed to pass five similar constitutional amendments which were previously passed by the United States House of Representatives; and

Whereas, the United States Senate should not continue to prevent the individual states of the United States from having a voice in whether or not to ratify this constitutional amendment; Therefore be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Senate to take such actions as are necessary to pass the proposed constitutional amendment banning the desecration of the United States flag which was passed by the United States House of Representatives on June 22, 2005; and be it further.

*Resolved*, That a copy of this Resolution shall be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

POM-390. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support the Marriage Protection Amendment; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION No. 235

Whereas, marriage is a sacred institution that has endured for centuries as the bedrock of a healthy and successful family; and

Whereas, the stable and healthy marriage is the most beneficial circumstance within which to rear children; and

Whereas, marriage has been reflected historically in the laws of the United States and of the individual states as the union of a man and a woman; and

Whereas, in the 2004 Regular Session of the Louisiana Legislature, Act No. 926 provided that marriage in this state shall consist only of the union of one man and one woman; and

Whereas, Act No. 926 of the 2004 Regular Session was approved by eighty-three percent of the House of Representatives and seventy-nine percent of the Senate; and

Whereas, Act No. 926 of the 2004 Regular Session was submitted to the voters of Louisiana on September 18, 2004, and was approved by seventy-eight percent of the voters; and

Whereas, thirteen other states of the United States have approved similar constitutional amendments limiting marriage to the union of one man and one woman; and

Whereas, the protection of marriage is essential to the continued strength of the nation, and it is vital that Congress and the United States senators from Louisiana vote to support the Marriage Protection Amendment; Therefore be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress and Senators Mary Landrieu and David Vitter to take such actions as are necessary to support and vote for the Marriage Protection Amendment presently pending in the United States Senate; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each of the United States senators from Louisiana.

POM-391. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the addition of a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION No. 574

Whereas with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and



Whereas the federal public debt now stands at approximately \$8.2 trillion, which equates to \$27,600 of debt for every man, woman, and child in America; and

Whereas the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the legislative and executive branches of federal government to control the federal debt; and

Whereas fiscal discipline is a powerful means for strengthening our nation; and a constitutional provision requiring a federal balanced budget, less of America's financial resources would be channeled into servicing the national debt and more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas Thomas Jefferson recognized the importance of a balanced budget when he wrote: "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves."; and

Whereas state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, 49 states require a balanced budget; and

Whereas in promoting the broadest principles of a government of, by, and for the people, one of the core functions of the United States Constitution is to enumerate and limit federal power; and

Whereas the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is an appropriate subject for limitation by the United States Constitution; and

Whereas the United States Constitution vests the ultimate responsibility to approve or disapprove amendments to the Constitution with the people of the several states, as represented by their elected legislatures: Now, therefore, be it

*Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives Concurring,* that we hereby strongly urge the United States Congress to propose, adopt, and submit to the states for ratification an amendment to the United States Constitution requiring a balanced federal budget on an annual basis, except in times of extreme national emergency; and be it further

*Resolved,* that an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM-392. A resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the "Constitution Restoration Act of 2005"; to the Committee on the Judiciary.

#### SENATE RESOLUTION NO. 158

*Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee,* That through passage of this resolution, this body hereby memorializes the United States Congress to enact S. 520 and H.R. 1070 of the 109th Congress, which bears the short title "Constitution Restoration Act of 2005", and by enacting such legislation protect the ability of the people of our state and nation to:

(1) Display the Ten Commandments in public buildings and public places in this state and nation;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain "In God We Trust" as our national motto; and

(5) Otherwise acknowledge God as the sovereign source of law, liberty, and government in these United States; and be it further

*Resolved,* That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of Tennessee's delegation to the United States Congress.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes (Rept. No. 109-284).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2802. A bill to improve American innovation and competitiveness in the global economy (Rept. No. 109-285).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 2703. A bill to amend the Voting Rights Act of 1965.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

\*James Lambright, of Mississippi, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

\*Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

\*J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009.

\*Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013.

\*Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

\*Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

\*Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation.

\*Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board for a term of two years.

\*R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

\*Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

\*John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

\*Coast Guard nominations beginning with Rear Adm. (Ih) Gary T. Blore and ending with Rear Adm. (Ih) Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2006.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the Record of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*National Oceanic and Atmospheric Administration nomination beginning with Philip A. Gruccio and ending with Jamie S. Wasser, which nominations were received by the Senate and appeared in the Congressional Record on May 24, 2006.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

\*Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education.

\*Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

\*Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008.

\*Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

\*Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. AL-

EXANDER):

S. 3686. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3687. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.